

REMARKS

Initially, it is requested that if a future Official Action rejecting the claims based upon prior art is issued, the Examiner cite more specifically to portions of the applied references, rather than citing the references in their entirety. Such specificity would be especially helpful when relying on lengthy references, as in the current rejections.

Claims 1 – 5, 14 – 16, 24 and 27 stand rejected over the combination of PANDYA et al. and MATSUBARA et al. Claims 6 – 9 and 17 – 20 have been rejected as being unpatentable over PANDYA et al. and MATSUBARA et al. in further view of CAIN et al. Claims 10 – 13, 21 – 23, 25 and 26 are rejected as being unpatentable over PANDYA et al., MATSUBARA et al., and CAIN et al. in further view of SUNI. Applicants respectfully traverse.

Each independent claim recites determining eligibility for transmission based upon an amount of elapsed time since a successful transmission. For example, if a transmission is allowed for a particular client every 10 minutes, and a client successfully received a transmission 5 minute ago, another transmission will not be permitted. However, if the transmission 5 minutes ago was unsuccessful, another transmission would be permitted. Similarly, if 15 minutes have elapsed since the last successful transmission, another transmission would be permitted. *See*, for example, paragraphs 24 – 28 of the specification. Claim 20 goes even further, reciting a more complex calculation of eligibility

None of the applied references teach or suggest such limitations. Although PANDYA et al. discloses time of day as a policy consideration, such a general idea does not anticipate nor render obvious the much more sophisticated claimed policy, which accounts for whether the most recent transmission was successful. Moreover, the billing credit discussed by MATSUBARA is unrelated to the claimed “credits” which affect when a client is eligible to receive additional transmissions.

Dependent claims 2 – 7, 9 - 13, 15, 16, 18 – 23, 25 and 26 are also believed to recite further patentable subject matter of the invention and therefore are also believed allowable over the prior art. As such, allowance of the dependent claims is deemed proper for at least the same

reasons noted for the independent claims, in addition to reasons related to their own recitations. For example, claim 9 defines a specific combination of variables not shown by the applied references. Claims 11 and 26 recite computation of an earliest elapsed time E when the client will be eligible to receive the feed data. Claims 13 and 25 recite equations for an amount of feed data eligible to be received, the equation relating to credits. The equations relied upon by the Examiner are entirely unrelated to calculating data credits that adjust an amount of feed data eligible to be received. Claim 15 recites high priority data being sent regardless of eligibility. Claim 16 recites reducing available bandwidth by the high priority data usage, while ignoring computed transmission eligibility. Claim 18 recites details of determining whether a transmission was successful, such details not taught or suggested by the applied references because the applied references do not even discuss successful transmission analysis. Claims 22 and 23 recite novel calculations for an amount of credit

Accordingly, in light of all of these novel features, applicants respectfully request reconsideration of the outstanding rejections and an indication of the allowability of all of the claims in the present application.

The above amendments have been presented merely for the purpose of clarification, and not to overcome the applied prior art. Accordingly, no estoppel is deemed to result from any of the present amendments.

In view of the above, applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. M067 from which the undersigned is authorized to draw.

Dated: November 21, 2007

Respectfully submitted,

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: November 21, 2007

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